

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

BRYAN STAFFORD, *in his capacity
as Executor of the Estate of*
THOMAS FLEENOR, JR.,
JOHN CRABTREE,
STEVEN MARTIN,
GARY TOLER,
ELGIE ADKINS,
and SABRINA EAGLE,
*on behalf of themselves and
others similarly situated,*

Plaintiffs,

v.

CIVIL ACTION NO. 5:22-cv-00405

PRIMECARE MEDICAL, INC.,
PRIMECARE MEDICAL OF WEST VIRGINIA, INC.
THOMAS WEBER,
BRETT BAVINGTON,
TODD HESKINS,
KRISTA VALLANDINGHAM,
MELISSA JEFFERY,
BRANDY EASTRIDGE,
HELEN PERKINS,
JESSICA MILLER,
BRANDY EASTRIDGE,
WEXFORD HEALTH SOURCES, INC.,
MARY STONE,
DANIEL CONN,
ELAINE GEDMAN,
JOHN FROELICH,
HUMAYAN RASHID, M.D.,
ANGELA NICHOLSON, MSN, APRN, FNP-C,
AMBER DUNCAN,
LISA MULLENS, LPN,
CASSEY BOLEN,
JOHN PENNINGTON, MA, LPC, NCC, NCSC,
KENNADI SMITH, LPN,

BRITTANI MARSHALL, RN,
ASHLEY STROUP, LPN,
DONNA DEAN-CHRIVIA,
JOHN AND JANE DOE
PRIMECARE AND WEXFORD EMPLOYEES,
and TAYLOR BROOKS,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending are Defendants Taylor Brooks, Daniel Conn, John Froelich, Elaine Gedman, Melissa Jeffery, Brittani Marshall, Jessica Miller, Helen Perkins, Humayan Rashid, Kennadi Smith, Mary Stone, Ashley Stroup, and Wexford Health Sources, Inc.’s (hereinafter, the “Wexford Defendants”) Expedited Motion to Stay Case Pending Ruling on Motions to Dismiss [Doc. 1038], filed September 18, 2024, and Defendants PrimeCare Medical, Inc., PrimeCare Medical of West Virginia, Inc., Tom Weber, Todd Haskins, Brent Bavington, Krista Vallandingham, Angela Nicholson, Brandy Eastridge, John Pennington, Amber Duncan, Casey Bolen, and Lisa Mullens’s (hereinafter, the “PrimeCare Defendants”) Motion to Stay Discovery Pending Decision on Motions to Dismiss [Doc. 1046], filed September 23, 2024.

Our Court of Appeals has held that district courts maintain “substantial discretion in managing discovery.” *Lone Star Steakhouse & Saloon, Inc. v. Alpha of Va., Inc.*, 43 F.3d 922, 929 (4th Cir. 1995) (citing *Erdmann v. Preferred Rsch., Inc.*, 852 F.2d 788, 792 (4th Cir. 1988) (“The scope and conduct of discovery, however, are within the sound discretion of the district court.”); *Larouche v. Nat’l Broad. Co., Inc.*, 780 F.2d 1134, 1139 (4th Cir. 1986), cert. denied, 479 U.S. 818 (1986)). This includes the discretion to stay discovery in advance of deciding a pending dispositive motion upon a showing of good cause. *See Bragg v. United States*, No. 2:10-0683, 2010 WL 3835080, at *1 (S.D. W. Va. Sept. 29, 2010) (citing *Thigpen v. United States*, 800 F.2d 393, 396–97 (4th Cir. 1986), *overruled on other grounds by Sheridan v. United States*, 487 U.S.

392 (1988)). “Such a stay is an eminently logical means to prevent wasting the time and effort of all concerned, and to make the most efficient use of judicial resources.” *Blankenship v. Trump*, No. 2:19-CV-00549, 2020 WL 748874, at *2 (S.D. W. Va. Feb. 13, 2020) (internal quotation marks omitted) (citing *United States v. Daily Gazette Co.*, No. CIV.A. 2:07-0329, 2007 WL 7575700, at *2 (S.D. W. Va. Oct. 18, 2007)). This determination is “necessarily fact-specific and depends on the particular circumstances and posture of each case.” *Id.* (internal quotation omitted).

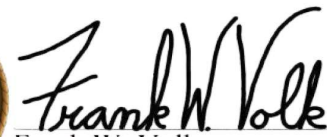
Both the Wexford and PrimeCare Defendants contend good cause exists to stay this case pending resolution of the pending and forthcoming motions to dismiss because (1) “the Motions to Dismiss that have been filed or will be filed present a legal challenge to Plaintiffs’ claims,” (2) “The Plaintiffs’ Complaint has been dismissed once before” and “the operative Complaint is fatal in the same respect,” and (3) “[p]articipating in discovery while Motions to Dismiss are pending or will be forthcoming will subject these Defendants to expend needless time, effort, and expense, on a case that it has already been litigated for over two years.” [Doc. 1039 at 5; *see also* Doc. 1047 at 3, 6]. Inasmuch as the Court expects to rule promptly on any pending dispositive motions and to the extent the Defendants rely on the *anticipated* filing of such motions as the basis for a stay of discovery, the Court finds a stay is unjustified. Furthermore, although Defendants Brooks, Conn, Froelich, Gedman, Jeffery, Marshall, Miller, Perkins, Rashid, Smith, Stone, and Stroup were not named defendants in this action until Plaintiffs’ July 30, 2024, filing of the Third Amended Complaint, they each share counsel with Wexford Health Sources, Inc., which has been a defendant since 2022 and has participated in almost two years’ worth of discovery. Likewise, Defendants PrimeCare Medical, Inc, Weber, Haskins, Bavington, Vallandingham, Nicholson, Eastridge, Pennington, Duncan, Bolen, and Mullens share counsel

with PrimeCare Medical of West Virginia, Inc., a defendant in this action since its inception. Accordingly, the Court **DENIES** both Motions [**Docs. 1038, 1046**] for lack of good cause shown.

The Clerk is **DIRECTED** to transmit a copy of this written opinion and order to all counsel of record and to any unrepresented party.

ENTER: September 24, 2024




Frank W. Volk
Chief United States District Judge